



**FINAL
REDEVELOPMENT PLAN
FOR THE
SAN SEVAINE REDEVELOPMENT PROJECT**

**Adopted: December 19, 1995
Ordinance No. 3631**

**Prepared by the
REDEVELOPMENT AGENCY OF THE COUNTY OF SAN BERNARDINO
SAN BERNARDINO, CALIFORNIA**

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REDEVELOPMENT PLAN
FOR THE
SAN SEVAINE REDEVELOPMENT PROJECT

I. [Section 100] INTRODUCTION

A. [Section 101] GENERAL

This is the Redevelopment Plan (the "Plan") for the San Sevaïne Redevelopment Project (the "Project") in the County of San Bernardino, State of California. This Plan consists of text (Sections 100 through 1000), the Redevelopment Plan Map (Exhibit "A"), a Legal Description of the Project Area (Exhibit "B"), and the Proposed Public Improvements and Facilities Projects (Exhibit "C"). This Plan was prepared by the Redevelopment Agency of the County of San Bernardino (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code, Section 33000 *et seq.*; all statutory references hereinafter shall be to the Health and Safety Code unless otherwise designated), the California Constitution, and all applicable local codes and ordinances.

The definitions of general terms which are contained in the Community Redevelopment Law govern the construction of this Plan, unless more specific terms and definitions therefor are otherwise provided in this Plan.

Many of the requirements contained in this Plan are necessitated by and in accord with statutory provisions in effect at the time of adoption of this Plan. Such statutory provisions may be changed from time to time. This Plan may be amended from time to time to the extent required by changes to the California Community Redevelopment Law.

The project area (the "Project Area") includes all properties within the Project boundary shown on the Redevelopment Plan Map and described in the Legal Description of the Project Area.

The proposed redevelopment of the Project Area as described in this Plan conforms to the General Plan for the County of San Bernardino, as applied in accord with local codes and ordinances.

This Redevelopment Plan is based upon the Preliminary Plan formulated and adopted by the Planning Commission of the County of San Bernardino (the "Planning Commission") on June 15, 1995.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the Project Area. This Plan does not present a specific plan or establish priorities for specific projects for the redevelopment, rehabilitation, and revitalization of any particular area within the Project Area. Instead, this Plan presents a process and a basic framework within which specific development plans will be presented, priorities for specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

B. [Section 102] GOALS AND OBJECTIVES

In general, the goals and objectives of the redevelopment program in the Project Area are as follows:

1. The establishment, by effective use of the redevelopment process, of a planning and implementation framework that will ensure the proper, long-term development of the Project Area to economically productive and viable use.
2. The elimination and prevention of the spread of blight and deterioration; and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, this Redevelopment Plan and County codes and ordinances.
3. The facilitation of planned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Project Area, the County and its citizens.
4. The encouragement of business park, industrial, research and development, and office types of uses in accord with the General Plan, specific plans, this Redevelopment Plan and County codes and ordinances.
5. The consideration of design and development standards that will enhance the Project Area's image and value.
6. The replanning, redesign and development of underdeveloped or poorly developed areas that are improperly utilized.
7. The promotion of new and continuing private sector investment within the Project Area to prevent the loss of and to facilitate the recapture of industrial growth and commercial sales activity.
8. The encouragement of investment by the private sector in the development and redevelopment of the Project Area by eliminating impediments to such development and redevelopment.
9. The expansion of a diversified economic base for San Bernardino County to assist in achieving a balance between jobs and housing.
10. The creation and development of County job opportunities to enhance the Project Area's employment base.
11. The retention of as many existing businesses as practicable by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Project Area.
12. The elimination or amelioration of certain infrastructure deficiencies, including substandard vehicular circulation systems; inadequate water, sewer, storm drainage, and regional flood control systems; and other similar public improvements, facilities and utilities deficiencies adversely affecting the Project Area.
13. The assembly of land into parcels suitable for modern industrial development.
14. The encouragement and facilitation of remediation by responsible parties of properties contaminated with hazardous substances.
15. The expansion of the community's supply of housing, including opportunities for low- and moderate-income households.

16. The expansion and upgrading of housing opportunities in the community to eliminate blight and improve the housing stock and standards.
17. The elimination of certain physical deficiencies, including land use incompatibilities between conflicting land uses and the remedying of obsolete site conditions.

Redevelopment of the Project Area pursuant to this proposed Redevelopment Plan and the above goals and objectives will attain the purposes of the California Community Redevelopment Law by: (1) elimination of areas suffering from economic dislocation and disuse; (2) replanning, redesign and/or redevelopment of areas which are stagnant or improperly utilized, and which could not be accomplished by private enterprise acting alone without public participation and assistance; (3) protecting and promoting sound development and redevelopment of blighted areas and the general welfare of the citizens of the County by remedying such injurious conditions through the employment of appropriate means; (4) installation of new or replacement of existing public improvements, facilities and utilities in areas which are currently inadequately served with regard to such improvements, facilities and utilities; and (5) other means as deemed appropriate.

II. [Section 200] PROJECT AREA BOUNDARY AND LEGAL DESCRIPTION

The boundary of the Project Area is shown on the Redevelopment Plan Map attached as Exhibit "A," and is described in the Legal Description of the Project Area attached as Exhibit "B."

III. [Section 300] PROPOSED REDEVELOPMENT ACTIVITIES

A. [Section 301] General

The Agency proposes to eliminate and prevent the spread of blight and blighting influences, and to strengthen the economic base of the Project Area and the community, by some or all of the following:

1. Participation in the redevelopment process by owners and occupants of properties located in the Project Area, consistent with this Plan and rules adopted by the Agency;
2. Acquisition of property;
3. Management of property under the ownership and control of the Agency;
4. Relocation assistance to occupants of property who are displaced by the Agency actions;
5. Demolition or removal of buildings and improvements including site clearance and preparation;
6. Installation, construction, expansion, addition, extraordinary maintenance or reconstruction of streets, utilities, and other public facilities and improvements;
7. Disposition of property for uses in accordance with this Plan;
8. Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
9. Rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. Rehabilitation, development or construction of low and moderate income housing within the community;
11. Providing for the retention of controls and establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with this Plan; and
12. Other actions as appropriate.

In the accomplishment of these activities, and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers to the extent now or hereafter permitted by law, which powers are not expressly limited by this Plan.

B. [Section 302] Owner Participation and Business Reentry Preferences

1. [Section 303] Owner Participation

Owners of real property within the Project Area shall be extended reasonable opportunities to participate in the redevelopment of property in the Project Area if such owners agree to participate in

the redevelopment in conformity with this Redevelopment Plan and owner participation implementation rules adopted by the Agency.

Participation methods include remaining in substantially the same location either by retaining all or portions of the property, or by retaining all or portions of the property and purchasing adjacent property from the Agency or joining with another person or entity for the rehabilitation or development of the owner's property and, if appropriate, other property. An owner who participates in the same location may be required to rehabilitate or demolish all or part of his/her existing buildings, or the Agency may acquire the buildings only and then remove or demolish the buildings. Participation methods also include the Agency buying land and improvements at fair market value from owners and offering other parcels for purchase and rehabilitation or development by such owners, or offering an opportunity for such owners to rehabilitate or develop property jointly with other persons or entities.

Participation opportunities shall necessarily be subject to and limited by factors including but not limited to the following: (1) the elimination and changing of some land uses; (2) the construction, realignment, abandonment, widening, opening and/or other alteration or elimination of public rights-of-way; (3) the removal, relocation, and/or installation of public utilities and public facilities; (4) the ability of potential participants to finance the proposed acquisition, development or rehabilitation in accordance with this Redevelopment Plan; (5) the ability and experience of potential participants to undertake and complete the proposed development; (6) any reduction in the total number of individual parcels in the Project Area; (7) the construction or expansion of public improvements and facilities, and the necessity to assemble areas for such; (8) any change in orientation and character of the Project Area; (9) the necessity to assemble areas for public and/or private development; (10) the requirements of this Plan and applicable rules, regulations, and ordinances of the County of San Bernardino; (11) any Design Guide adopted by the Agency pursuant to Section 420 hereof; and (12) the feasibility of the potential participant's proposal.

2. [Section 304] Business Reentry Preferences

Business occupants engaged in business in the Project Area shall be extended reasonable preferences to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by this Plan and business reentry preferences implementation rules adopted by the Agency.

Whenever a business occupant will be displaced by Agency action from the Project Area, the Agency will, prior to such displacement, determine: 1) whether such business occupant desires to relocate directly to another location within the Project Area, or 2) if suitable relocation accommodations within the Project Area are not available prior to displacement, whether such business occupant would desire to reenter in business within the Project Area at a later date should suitable accommodations become available. For those business occupants who desire to relocate directly to another Project Area location, the Agency will make reasonable efforts to assist such business occupants to find accommodations at locations and rents suitable to their needs. A record of the business occupants who cannot be or do not want to be directly relocated within the Project Area, but who have stated that they desire to reenter into business in the Project Area whenever suitable locations and rents are available, will be maintained by the Agency. The Agency will make reasonable efforts to assist such business occupants to find reentry accommodations at locations and rents suitable to their needs.

Reentry preferences shall necessarily be subject to and limited by factors such as the following: (1) the extent to which suitable relocation or reentry accommodations exist or are rehabilitated or developed within the Project Area; (2) the extent to which suitable relocation or reentry accommodations are available to displaced business occupants within an acceptable time

period or at rents and other terms that are acceptable to such displaced business occupants, and within their financial means; and (3) the requirements of this Plan or any Design Guide adopted by the Agency pursuant to this Plan.

3. [Section 305] Participation Agreements

The Agency may require that, as a condition to participate in redevelopment or to obtain a building permit pursuant to Section 421 hereof, each participant shall enter into a binding written participation agreement with the Agency by which the participant agrees to contribute, sell, lease, acquire, rehabilitate, develop or use the property in conformance with this Plan and to be subject to provisions hereof and such other provisions and conditions to which the parties may agree. In such agreements, participants who retain real property may be required to sign and join in the recordation of such documents as is necessary to make the provisions of this Plan and such participation agreement applicable to their properties. In the event an owner or participant fails or refuses to develop, or use and maintain, their real property pursuant to this Plan and such participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for development in accordance with this Plan.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

4. [Section 306] Implementing Rules

The provisions of Sections 302 through 305 shall be implemented according to the rules governing participation and preferences by property owners and business occupants in the San Sevaire Redevelopment Project ("Rules") adopted by the Agency prior to the approval of this Plan, and as those rules may be amended from time to time by the Agency.

C. [Section 307] Property Acquisition

1. [Section 308] Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, lease, purchase, eminent domain or any other lawful method.

It is in the public interest and is necessary in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in all portions of the Project Area.

No eminent domain proceeding to acquire property by the Agency within the Project Area shall be commenced after twelve (12) years following the effective date of the ordinance approving and adopting this Plan. Such time limitation may be extended only by amendment of this Plan.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee. The Agency may, but is not required to acquire interests in oil, gas or other mineral substances within the Project Area.

Without the consent of the owner, the Agency shall not acquire property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless such building requires structural alteration, improvement, modernization, or rehabilitation, or the site or lot on which the

building is situated requires modification in size, shape or use, or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan or of any Design Guide adopted by the Agency pursuant to this Plan, and the owner fails or refuses to participate in the Plan or in conformance with any such Design Guide by executing a participation agreement.

2. [Section 309] Acquisition of Personal Property

Generally, personal property shall not be acquired by the Agency. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

D. [Section 310] Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

E. [Section 311] Relocation of Occupants Displaced by Agency Acquisition

1. [Section 312] Relocation Housing Requirements

No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings. The Agency shall not displace such persons or families until such housing units are available and ready for occupancy.

2. [Section 313] Assistance in Finding Other Locations

The Agency shall assist all persons (including individuals and families), business concerns and others displaced by Agency action in the Project Area in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to individuals and families, if any, displaced from their respective places of residence, the Agency shall assist such persons, in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for displaced persons.

3. [Section 314] Relocation Payments

The Agency shall make all relocation payments required by law to persons (including individuals and families), business concerns, and others displaced by the Agency from property in the Project Area. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 *et seq.*) and Agency rules and regulations adopted pursuant thereto as such may be amended from time to time. The Agency may make such other payments as it may deem appropriate and for which funds are available.

F. [Section 315] Payments to Taxing Agencies for In Lieu of Taxes

The Agency may in any year during which it owns property in the Project Area pay directly to the County, or other district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the Agency-owned property had it not been exempt, an amount of money in lieu of taxes.

G. [Section 316] Demolition, Clearance, Public Improvements, Building and Site Preparation

1. [Section 317] Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

2. [Section 318] Public Improvements

To the extent and in the manner permitted by law, the Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements, facilities and utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements, facilities and utilities include, but are not limited to, the following: (1) over- and under-passes; (2) sewers; (3) storm drains; (4) electrical, natural gas, telephone and water distribution systems; (5) parks and plazas; (6) playgrounds; (7) parking and transportation facilities; (8) landscaped areas; (9) street and circulation improvements; (10) flood control improvements and facilities; and (11) other public facilities serving the needs of Project Area occupants.

3. [Section 319] Preparation of Building Sites

To the extent and in the manner permitted by law, the Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. The Agency is also authorized to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for commercial, public, and other uses provided in this Plan.

H. [Section 320] Property Disposition and Development

1. [Section 321] Real Property Disposition and Development

a. [Section 322] General

For the purposes of this Plan, the Agency is authorized to sell, lease for a period not to exceed 99 years, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property to the extent and in the manner permitted by law, including the disposal of real property by negotiated lease, sale, or transfer without public bidding.

Before any interest in real property of the Agency acquired in whole or in part, directly or indirectly, with tax increment moneys is sold, leased, or otherwise disposed of for development pursuant to this Plan, such sale, lease or disposition shall be first approved by the Board of

Supervisors by resolution after public hearing in conformance with Section 33433 of the Community Redevelopment Law.

All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan, and any such sale or lease may be for an amount at less than fair market value if determined to be at the highest and best use consistent with this Plan. Real property may also be conveyed by the Agency to the County and, where beneficial to the Project Area, to any other public body without charge or for an amount at less than fair market value. Property acquired by the Agency for rehabilitation and resale shall be offered within one year after completion of rehabilitation, or an annual report concerning such property shall be published by the Agency as required by applicable law.

All purchasers or lessees of property from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

During the period of development in the Project Area, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

b. [Section 323] Disposition and Development Documents

The Agency shall reserve powers and controls in disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is expeditiously carried out pursuant to this Plan.

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan and any adopted Design Guide and other conditions imposed by the Agency by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon sex, marital status, race, color, creed, religion, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement, by or through the Agency, shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such non-discrimination and non-segregation clauses as are required by law.

c. [Section 324] Development by the Agency or
Other Public Bodies or Entities

To the extent now or hereafter permitted by law, the Agency may, with the consent of the Board of Supervisors of the County of San Bernardino, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside the Project Area.

Specifically, the Agency may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement set forth in Section 318 of this Plan, including, without limitation, those set forth in Exhibit "C", Proposed Public Improvements and Facilities Projects.

When the value of such land or the cost of the installation and construction of such building, facility, structure, or other improvement, or both, has been, or will be paid or provided for initially by the County or other public corporation, the Agency may enter into a contract with the County or other public corporation under which it agrees to reimburse the County or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure, or other improvement, or both, by periodic payments over a period of years.

The obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purpose of carrying out the redevelopment of the Project Area, which indebtedness may be made payable out of taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the California Redevelopment Law and Section 502 of this Plan, or out of any other available funds.

In a case where such land has been or will be acquired by, or the cost of the installation and construction of such building, facility, structure or other improvement has been paid by, a parking authority, joint powers entity, or other public corporation to provide a building, facility, structure, or other improvement which has been or will be leased to the County such contract may be made with, and such reimbursement may be made payable to, the County.

Before the Agency commits to use the portion of taxes to be allocated and paid to the Agency pursuant to subdivision (b) of Section 33670 for the purpose of paying all or part of the value of the land for, and the cost of the installation and construction of, any publicly owned building, other than parking facilities, the Board of Supervisors shall hold a public hearing in accord with the provisions of Section 33679 of the Community Redevelopment Law.

d. [Section 325] Development Plans

All development plans (whether public or private) shall be processed in the manner provided by applicable County codes as they are or as they may be amended from time to time. All development in the Project Area must conform to County and Agency design review procedures, including any Design Guide adopted by the Agency pursuant to Section 420 hereof.

2. [Section 326] Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

I. [Section 327] Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate with or without consideration in the planning, undertaking, construction, or operation of this Project. The Agency may seek the aid and cooperation of such public bodies and attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in and authorized by this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements (within or outside the Project Area) which land, buildings, facilities, structures, or other improvements are of benefit to the Project.

J. [Section 328] Rehabilitation, Conservation and Moving of Structures

1. [Section 329] Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

It shall be the purpose of this Plan to allow for the retention of as many existing businesses as practicable and to add to the economic life of these businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance and enforcement to encourage owners of property within the Project Area to upgrade and maintain their property consistent with this Plan and such standards as may be developed for the Project Area.

The extent of retention, conservation and rehabilitation in the Project Area shall be subject to the following limitations:

- a. The rehabilitation of the structure must be compatible with land uses as provided for in this Plan;
- b. Rehabilitation and conservation activities on a structure must be carried out in an expeditious manner and in conformance with the requirements of this Plan and such property rehabilitation standards as may be adopted by the Agency and the County.
- c. The installation and expansion of public improvements, facilities and utilities.

- d. The assembly and development of land in accordance with this Plan.

The Agency may adopt property rehabilitation standards for the rehabilitation of properties in the Project Area.

Within the Project Area and as part of an agreement that provides for the development and rehabilitation of property that will be used for industrial or manufacturing purposes; the Agency, to the extent and in the manner permitted by law, may assist with the financing of facilities or capital equipment, including, but not necessarily limited to, pollution control devices. The Agency may also establish a program under which it loans funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures within the Project Area.

The Agency shall not assist in the rehabilitation or conservation of properties which, in its opinion, are not economically and/or structurally feasible, or which do not further the purposes of this Plan.

2. [Section 330] Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved, any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

K. [Section 331] Low or Moderate Income Housing

1. [Section 332] Authority Generally

The Agency may, inside or outside the Project Area, acquire land, improve sites, or construct or rehabilitate structures in order to provide housing for persons and families of low or moderate income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing. The Agency may also sell, lease, grant, or donate real property owned or acquired by the Agency to the Housing Authority of the County of San Bernardino and may otherwise cooperate with the Housing Authority in carrying out the provisions of Section 335 hereinbelow.

2. [Section 333] Replacement Housing

Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of the redevelopment of the Project Area which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs, within the territorial jurisdiction of the Agency, in accordance with the applicable law. Seventy-Five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low income households, lower income households, and persons and families of low and moderate income, as the persons displaced from those destroyed or removed units.

3. [Section 334] Replacement Housing Plan

Not less than thirty days prior to the Agency execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the

execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan in compliance with applicable law.

Nothing in this section shall prevent the Agency from destroying or removing from the low and moderate income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. The Agency shall, as soon as practicable, adopt by resolution a replacement housing plan with respect to such dwelling unit.

4. [Section 335] Increase, Improve and Preserve the Supply

Not less than 20 percent of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan shall be used by the Agency for the purposes of increasing, improving and preserving the County's supply of low and moderate income housing available at affordable housing costs, to persons and families of low or moderate income, and very low income households unless one of the findings permitted by applicable law is made annually by resolution.

In carrying out the purposes of applicable law, the Agency may exercise any or all of its powers, including, but not limited to, the following:

- (1) Acquire real property or building sites subject to the provisions of the Community Redevelopment Law.
- (2) Improve real property or building sites with onsite or offsite improvements, but only if either (a) the improvements are made as part of a program which results in the new construction or rehabilitation of affordable housing units for low or moderate income persons that are directly benefited by the improvements or (b) the Agency finds that the improvements are necessary to eliminate a specific condition that jeopardizes the health or safety of existing low or moderate income residents.
- (3) Donate real property to private or public persons or entities.
- (4) Finance insurance premiums pursuant to applicable law.
- (5) Construct buildings or structures.
- (6) Acquire buildings or structures.
- (7) Rehabilitate buildings or structures.
- (8) Provide subsidies to, or for the benefit of, very low income households, lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market. Housing units available on the open market are those units developed without direct government subsidies.
- (9) Develop plans, pay principal and interest on bonds, loans, advances, or other indebtedness, or pay financing or carrying charges.
- (10) Preserve the availability of housing units affordable to lower income households in housing developments which are assisted or subsidized by

public entities and which are threatened with imminent conversion to market rates.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions. These funds may be used inside or outside the Project Area provided, however, that such funds may be used outside the Project Area only if findings of benefit to the Project are made as required by applicable law.

The funds for these purposes shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by such Low and Moderate Income Housing Fund and any repayments or other income to the Agency for loans, advances, or grants, of any kind, from such Low and Moderate Income Housing Fund, shall accrue to and be deposited in, the fund and may only be used in the manner prescribed for the Low and Moderate Income Housing Fund.

5. [Section 336] New or Rehabilitated Dwelling Units
Developed Within Project Area

There are fewer than sixty (60) dwelling units within the Project Area. Additional housing is not planned in the Project Area. Nevertheless, whenever the Project affects existing housing or new housing is undertaken, the Agency shall comply with all applicable provisions of the Redevelopment Law with respect to low- and moderate-income housing.

6. [Section 337] Duration of Dwelling Unit Availability and
Agency Monitoring

The Agency shall require that the aggregate number of replacement dwelling units and other dwelling units rehabilitated, developed, constructed, or price-restricted shall remain available at affordable housing cost to persons and families of low income, moderate income and very low income households, respectively, for the longest feasible time, as determined by the Agency, but for not less than the period set forth in applicable law for the duration of this Plan's land use controls, except to the extent a longer or shorter period of time is permitted or required by other provisions of the law.

The Agency shall monitor, on an ongoing basis, any housing affordable to persons and families of low or moderate income developed or otherwise made available pursuant to the Community Redevelopment Law. As part of this monitoring, the Agency shall require owners or managers of the housing to submit an annual report to the Agency. The annual reports shall include for each rental unit the rental rate and the income and family size of the occupants, and for each owner-occupied unit whether there was a change in ownership from the prior year and, if so, the income and family size of the new owners. The income information required by this section shall be supplied by the tenant in a certified statement on a form provided by the Agency.

L. [Section 338] Implementation Plans

No later than five years following the effective date of the ordinance adopting this Plan, and every five years thereafter, the Agency shall, after a public hearing, adopt an implementation plan for the Project Area. The implementation plan may include more than one project area, at the Agency's option. The adoption of public hearing of the Implementation Plan shall occur in compliance with applicable law.

IV. [Section 400] LAND USES AND DEVELOPMENT REQUIREMENTS

A. [Section 401] Redevelopment Plan Map and Major Project Area Land Uses

The Redevelopment Plan Map attached hereto illustrates the location of the Project Area boundary, identifies the major streets within the Project Area, and designates the major land uses authorized within the Project Area by the County's current General Plan. The major land uses authorized within the Project Area by the General Plan are described below.

B. [Section 402] Major Land Uses

Major land uses permitted within the Project Area shall include:

- Regional Industrial (IR)
- Community Industrial (IC)
- Planned Development (PD)
- General Commercial (CG)

The areas shown on the Redevelopment Plan Map for the foregoing uses may be used for any of the various kinds of uses specified for or permitted within such areas by the General Plan and County ordinances, resolutions and other laws.

C. [Section 403] Other Land Uses

1. [Section 404] Public Rights of Way

Major public streets within the Project Area are generally described as follows:

Cherry Avenue
San Bernardino Avenue
Valley Boulevard
Interstate 10 (San Bernardino Freeway)
Etiwanda Avenue
Whittram Avenue
Arrow Route
Beech Avenue

Additional public streets, alleys and easements may be created in the Project Area as needed for proper use and/or development. Existing streets and alleys may be abandoned, closed or modified as necessary for proper use and/or development. It is anticipated that Project development may entail vacation and/or realignment of certain streets, alleys, and other rights-of-way.

Any changes in the existing street layout shall be in accord with the General Plan, the objectives of this Plan, and the County's design standards, shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

1. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with similar needs of existing developments proposed or potentially proposed to remain. Such balancing shall take into consideration the rights of existing owners under the participation and preferences rules adopted by the Agency for the Project, and any participation agreements executed thereunder;

2. The requirements imposed by such factors as topography, traffic safety and aesthetics;
3. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project Area by providing convenient, efficient vehicular access and movement; and
4. The potential need or desire to accommodate the facilities and/or equipment of mass transportation modes.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained, amended or created.

2. [Section 405] Other Public, Semi-Public, Institutional and Non-Profit Uses

In any area the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way, and facilities of other similar associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable restrictions as are necessary to protect the development and uses in the Project Area.

D. [Section 406] Conforming Properties

The Agency may, at its sole and absolute discretion, determine that certain real properties within the Project Area meet the requirements of this Plan, and the owners of such properties may be permitted to remain as owners of conforming properties without a participation agreement with the Agency, provided such owners continue to operate, use, and maintain the real properties within the requirements of this Plan. A certificate of conformance to this effect may be issued by the Agency and recorded. An owner of a conforming property may be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (2) acquire additional property within the Project Area.

E. [Section 407] Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in this Plan. Such interim use shall conform to all applicable County codes.

F. [Section 408] Nonconforming Uses

The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area, and abatement of such uses is not required by applicable County codes. The owner of such a property may be required to enter into a participation agreement, to record a covenant of restrictions against

the property, and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and uses in the Project Area.

The Agency may authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding and Project Area uses and development and are permitted under applicable County codes.

G. [Section 409] General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the effective date of the ordinance adopting this Plan, except in conformance with the provisions of this Plan and any applicable Design Guide.

1. [Section 410] Construction

All construction in the Project Area shall comply with all applicable state and local laws in effect from time to time.

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area, including property rehabilitation standards adopted pursuant to Section 329 hereof, and one or more Design Guides adopted pursuant to Section 420 hereof.

2. [Section 411] Limitation on the Number of Buildings

The approximate number of buildings in the Project Area shall not exceed the maximum number allowed under the densities permitted under the County's General Plan, as implemented and applied by local codes and ordinances. The number of buildings permitted in the Project Area will be approximately 800.

3. [Section 412] Number of Dwelling Units

Residential uses are not a permitted use within the Project Area except within the Planned Development designation. The number of dwelling units in the Project Area, shall not exceed the maximum number allowed under the densities permitted under the County's General Plan, as implemented and applied by local codes and ordinances. The total number of existing dwelling units within the Project Area is approximately 50.

4. [Section 413] Limitations on Type, Size and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by the applicable federal, state and local statutes and ordinances.

5. [Section 414] Open Spaces, Landscaping, Light, Air and Privacy

The approximate amount of open space to be provided in the Project Area is the total of all area which will be in the public rights-of-way, the public grounds, spaces around buildings, and all

other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

In all areas, sufficient space shall be maintained between buildings to provide adequate light, air and privacy.

6. **[Section 415] Signs**

All signs shall conform to County requirements. Design of all proposed new signs shall be submitted prior to installation to the Agency and/or County for review and approval pursuant to the procedures permitted by this Plan.

7. **[Section 416] Utilities**

The Agency shall require that all utilities be placed underground whenever physically possible and economically feasible as determined by the Agency.

8. **[Section 417] Incompatible Uses**

No use or structure which in the Agency's determination would, by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

9. **[Section 418] Subdivision of Parcels**

No parcels in the Project Area, including any parcel retained by a participant, shall be consolidated, subdivided or re-subdivided without the approval of the appropriate County body, and, if necessary for purposes of this Plan, the Agency.

10. **[Section 419] Minor Variations**

The Agency is authorized to permit minor variations from the limits, restrictions and controls established by this Plan. In order to permit any such variation, the Agency must determine that:

- a. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan; or
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls; or
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; or
- d. Permitting a variation will not be contrary to the objectives of the Plan.

No such variation shall be granted which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of this Plan. Any such variation permitted by the Agency hereunder shall not supersede any other approval required under County codes and ordinances.

H. [Section 420] Design Guide

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design and sign criteria, traffic circulation, traffic access, parking, and other development and design controls necessary for proper development and use of both private and public areas within the Project Area. These may be established by the approval of specific developments, by the adoption of general restrictions and controls by resolution of the Agency, or by the adoption of one or more Design Guides pursuant to this Section.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency unless allowed pursuant to the procedures of Section 421 hereof. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic and architectural quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

I. [Section 421] Building Permits and Other Entitlements

No permit shall be issued for the construction of any new building or any addition, construction, demolition, moving, conversion or alteration to an existing building or structure, or preparation of any site, or the installation of any physical improvement, including grading and landscaping, in the Project Area from the date of adoption of this Plan until the application for such permit has been made by the owner or his agent and processed in the manner provided hereinbelow. Any permit that is issued hereunder must be in conformance with the provisions of this Plan, any Design Guide adopted by the Agency, any restrictions or controls established by resolution of the Agency, and any applicable participation or other agreement.

Upon receipt of such an application, the County's Planning Department shall conduct an initial screening to determine if the proposed activity is compatible with this Redevelopment Plan and/or any standards adopted pursuant hereto. If the Department determines the proposed activity is compatible, the permit may be issued subject to County requirements. If the Department determines that the proposed activity could be incompatible, it shall refer the matter to the Executive Director of the Agency, who may in his/her discretion, indicate that the proposed activity is compatible, that the proposed activity is incompatible, that the proposed activity can be made compatible by granting the permit with conditions, or refer the matter to the Agency. The Executive Director of the Agency shall complete his/her review of the matter and take one of the foregoing actions within 25 days after the receipt of the application.

A person having any grievance with a decision of incompatibility or any such condition placed on the applicant shall submit such grievance in writing to the Agency to the attention of the Executive Director of the Agency. Such submission shall set forth, in sufficient detail so that it may be evaluated and investigated, the basis of the grievance, and shall contain:

- a. The identity of the person and the property which is the subject of the grievance;
- b. The nature of the grievance;
- c. The actions, non-actions, treatment or lack of consideration complained of;
- d. Copies of pertinent correspondence, if any, to and from the Agency and Agency staff regarding the subject of the grievance; and

e. The action or other remedy desired by the aggrieved person.

A written response to the grievance shall be prepared by or on behalf of the Executive Director (or designee) and sent to the aggrieved person with 45 days of the date the Agency receives the grievance.

If the aggrieved person is not satisfied with such response, the aggrieved person may request the opportunity to present the substance of its grievance at a regularly scheduled meeting of the Agency. The request to appear before the Agency Board must be made in writing and delivered at least 10 days in advance of the Agency meeting. On the meeting date, the aggrieved person may appear and present its grievance. The Agency shall respond in writing to said grievance within 14 days.

Nothing contained in this procedure shall require any action by the Agency, nor shall the Agency be required to refrain from any action due to the pendency of the grievance, it being the purpose of this procedure to advise the Agency of the grievance for such actions as Agency may desire to take, and not to create any rights of redress in any person.

V. [Section 500] METHOD OF FINANCING THE PROJECT

A. [Section 501] General Description of the Proposed Financing Method

The Agency is authorized to finance the Project with tax increment funds; interest income; Agency bonds; donations; loans from private financial institutions; the lease or sale of Agency-owned property; owner participant or developer loans; use or transient occupancy taxes; participation in development; or with financial assistance from the County, State of California, the federal government, or any other available source, public or private.

The Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness in carrying out this Plan. The principal and interest on such indebtedness may be paid from tax increments or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for administration of the Project may be provided by the County or any other available source, public or private, until adequate tax increment or other funds are available or sufficiently assured to repay the advances and loans and to permit borrowing adequate working capital from other sources. The County, as it is able, may also supply additional assistance through issuance of bonds, loans and grants and in-kind assistance.

The County or any other public agency may expend money to assist the Agency in carrying out the Project. As available, gas tax funds or other legally available funds from the state and county may be used for street improvements and public transit facilities. All or a portion of the parking may be installed through a parking authority or other public or private entities.

It is estimated that the total Agency project cost will not exceed revenues derived from the Project. Revenues will be received from the sale of land. The remaining balance will come from the following: tax increments, revenue from the lease of Agency-owned lands and buildings; lease-back arrangements; gas tax and other special uses taxes and other sources which are now or may become available to the Agency. Should the land be leased rather than sold to a developer, sufficient revenue will be derived through revenue bonds or other means to recover the estimated sales income mentioned above.

B. [Section 502] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of San Bernardino, any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of San Bernardino last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on said effective date); and

2. Except as provided in subdivision 3 below, that portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project. Unless and until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project Area shall be paid to the respective taxing agencies as taxes on all other property are paid.
3. That portion of the taxes in excess of the amount identified in subdivision 1 hereof which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayment of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to and when collected shall be paid into, the fund of that taxing agency. This subdivision 3 shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.

The portion of taxes mentioned in subdivision 2 above is hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project, in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

C. [Section 503] Agency Bonds

The Agency is authorized to issue bonds from time to time, if it deems it appropriate to do so, in order to finance all or any part of the Project.

Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the County, the State, or any of its political subdivisions and neither the County, the State, nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The amount of bonded indebtedness to be repaid in whole or part from the allocation of taxes described in subdivision 2 of Section 502 above which can be outstanding at any one time shall not exceed \$47 million in principal amount, except by amendment of this Plan. This limit, however, shall not prevent the Agency from issuing additional bonds in order to fulfill the Agency's obligations under Section 33413 of the Community Redevelopment Law.

D. [Section 504] Time Limit on Establishment of Indebtedness

The Agency shall not establish or incur loans, advances, or indebtedness to be paid with the proceeds of property taxes received pursuant to Section 502 of this Plan to finance in whole or in part the Project beyond 20 years from the effective date of the ordinance adopting this Plan. Loans, advances, or indebtedness may be repaid over a period of time beyond said time limit. Such time limitation may be extended only by amendment of this Plan. This limit, however, shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations. This limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit contained in this Section 504. This limit may be extended only in compliance with applicable law.

E. [Section 505] Statutory Payments to Affected Taxing Entities

To the extent applicable, and in the amounts and manner provided therein, the Agency shall annually pay to Project Area affected taxing entities the payments required by Section 33607.5 of the Community Redevelopment Law.

F. [Section 506] Time Limit on Receipt of Tax Increment

The Agency may not receive and shall not repay indebtedness with the proceeds from property taxes received pursuant to Section 33670 of the Community Redevelopment Law and Section 502 of this Plan beyond 45 years from the effective date of the ordinance adopting this Plan, except to repay debt to be paid from the Low and Moderate Income Housing Fund established pursuant to Section 33334.2 of the Community Redevelopment Law and Section 335 of this Plan, or debt established in order to fulfill the Agency's obligations under Section 33413 of the Community Redevelopment Law and Section 333 of this Plan.

G. [Section 507] Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the State of California, or any other public or private source will be utilized if available as appropriate in carrying out the Project. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

VI. [Section 600] ACTIONS BY THE COUNTY

The County shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the County may include, but are not limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the County shall include the requirement of abandonment, removal, and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal, and relocation be borne by others than those legally required to bear such costs.
2. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned public utilities within or affecting the Project Area.
3. Revision of the Zoning Ordinance or adoption of specific plans as appropriate within the Project Area to permit the land uses and development authorized by this Plan.
4. Imposition wherever necessary (by covenants or restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
5. Execution of statutory development agreements where necessary and appropriate to facilitate developments approved by the Agency.
6. Provision for administrative enforcement of this Plan by the County after development.
7. Performance of the above actions, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
8. Provision of services and facilities and the various officials, offices and departments of the County for the Agency's purposes under this Plan.
9. Provision of financial assistance in accordance with Section 500 of this Plan.
10. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the County may involve financial outlays by the County, but do not constitute a commitment to make such outlays.

VII. [Section 700] ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the County.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the County. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

VIII. [Section 800] DURATION OF THIS PLAN

Except for the non-discrimination and non-segregation provisions imposed by the Agency which shall run in perpetuity, and the affordable housing covenants imposed by the Agency which shall continue in effect for a period as may be determined and specified by the Agency, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for 30 years from the effective date of the ordinance adopting this Plan by the Board of Supervisors; provided, however, that, subject to the limitations and exceptions thereto set forth in Sections 504 and 506 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect for the purpose of repaying such bonds or other obligations until the date of retirement of such bonds or other obligations.

IX. [Section 900] PROCEDURE FOR AMENDMENT

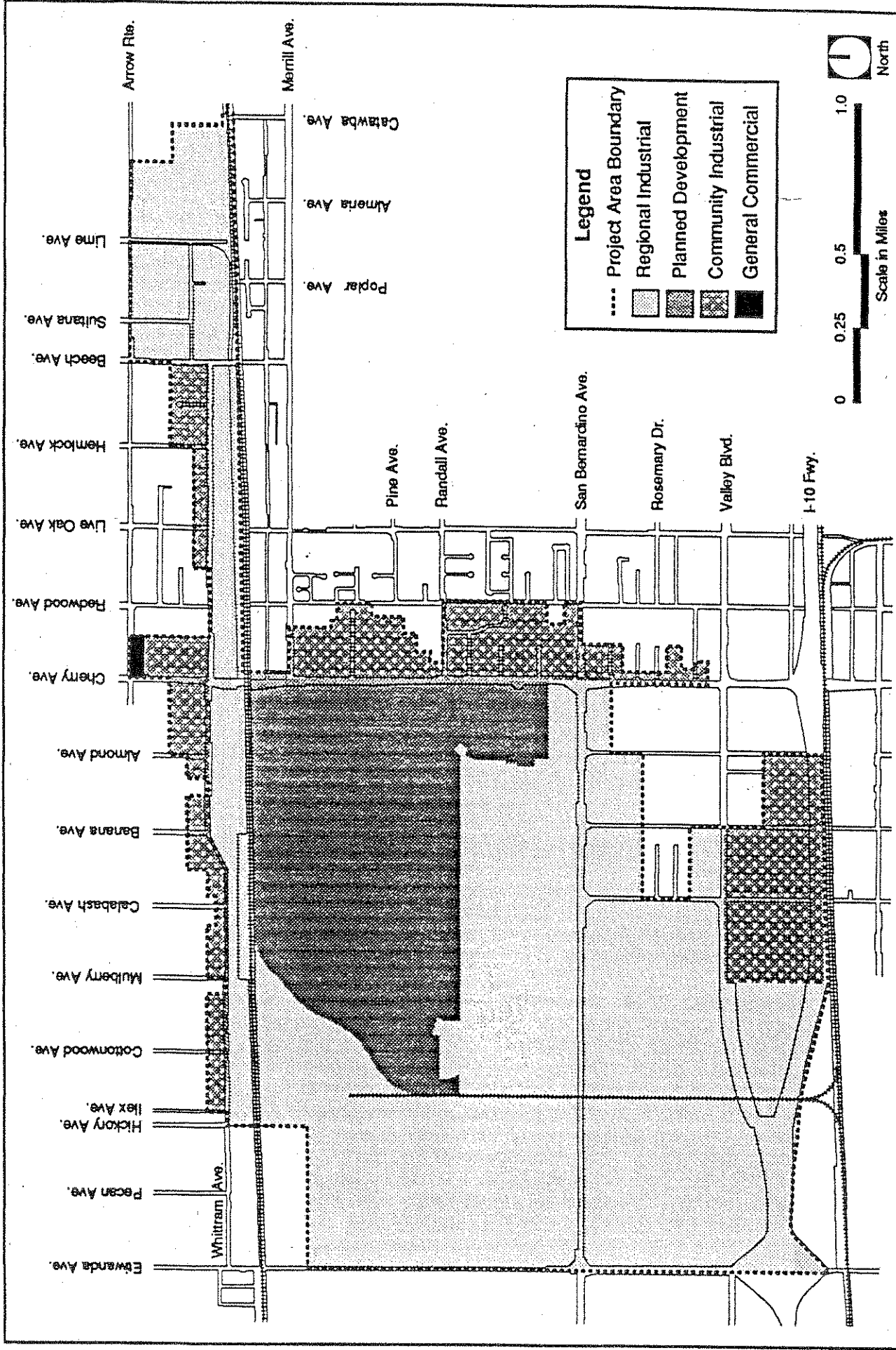
This Plan may be amended by means of the procedure established in the Community Redevelopment Law, or by any other procedure hereafter established by law.

X. [Section 1000] SEVERABILITY

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Plan is for any reason held to be invalid, unenforceable, or unconstitutional, such decision shall not affect the validity and effectiveness of the remaining portion or portions of the Plan.

EXHIBIT "A"

San Sevaine Redevelopment Project
REDEVELOPMENT PLAN MAP



SAN SEAVINE REDEVELOPMENT PROJECT

EXHIBIT "B"

San Sevaine Redevelopment Project
LEGAL DESCRIPTION OF PROJECT AREA

SAN SEVAINE REDEVELOPMENT PROJECT

That portion of Township 1 South, Range 6 West, San Bernardino Meridian, in the unincorporated area of the County of San Bernardino, State of California, described as follows:

Beginning at the intersection of the center line of Etiwanda Avenue with the South right of way line of Interstate 10, said intersection being also on the city limits line of Ontario, as said line existed June 6, 1995;

Thence North along said center line of Etiwanda Avenue and said city limits line of Ontario to the center line of Fourth Street, said point being also coincident with the city limits line of Rancho Cucamonga, as it existed June 6, 1995;

Thence leaving said city limits line of Ontario North along said center line of Etiwanda Avenue and said city limits line of Rancho Cucamonga to the South line of the Metropolitan Aqueduct in the North half of Section 16, said Township 1 South, Range 6 West;

Thence East along said South line and said city limits line of Rancho Cucamonga to the North and South center line of said Section 16;

Thence North along the North and South center line of Sections 16 and 9 and said city limits line of Rancho Cucamonga to the center line of Whittram Avenue;

Thence leaving said city limits of Rancho Cucamonga East along said center line to the center line of Ilex Avenue;

Thence North 330.00 feet along said center line to the North line of Lot 360, Tract No. 2102, as per map recorded in Book 31 of Maps, pages 11 to 15, inclusive, records of said County;

Thence East 2219.73 feet along lot lines to the East line of the West 132.00 feet of Lot 319, said Tract No. 2102;

Thence South along said East line to the center line of Whittram Avenue;

Thence East along said center line to the center line of Mulberry Avenue;

Thence North 330.00 feet along said center line to the North line of Lot 284, said Tract No. 2102;

Thence East 924.00 feet along lot lines to the East line of the West 264.00 feet of Lot 283, said Tract No. 2102;

Thence South along said East line to the South line of the North 165.00 feet of said Lot 283;

Thence East 396.00 feet along said South line to the center line of Calabash Avenue;

Thence South along said center line 25.00 feet to the North line of the South 140.00 feet of Lot 248 of said Tract No. 2102;

Thence East along said North line to the East line of the West 185.00 feet of said Lot 248;

Thence North along said East line to the North line of the South 200.00 feet of said Lot 248;

Thence East along said North line to the East line of the West 205.00 feet of said Lot 248;

Thence North 130.00 feet along said East line to the North line of said Lot 248;

Thence East 455.00 feet along said North line to the West line of Lot 246, said Tract No. 2106;

Thence North 330.00 feet along said West line to the North line of said Lot 246;

Thence East 1320.00 feet along Lot lines to the West line of Lot 211, said Tract No. 2102;

Thence South 330.00 feet along said West line to the center line of Whittram Avenue;

Thence East 330.00 feet along said center line to the West line of Lot 212, said Tract No. 2102;

Thence North 330.00 feet along said West line to the North line of said Lot 212;

Thence East 330.00 feet along said North line to the center line of Almond Avenue;

Thence North 330.00 feet along said center line to the North line of Lot 172, said Tract No. 2102;

Thence East 1320.00 feet along lot lines to the center line of Cherry Avenue;

Thence North 660.00 feet along said center line to the center line of Arrow Route;

Thence East 660.00 feet along said center line to the East line of Lot 131, said Tract No. 2102;

Thence South 1320.00 feet along Lot lines and to the center line of Whittram Avenue;

Thence East 1320.00 feet along said center line to the West line of Lot 103, said Tract No. 2102;

Thence North 330.00 feet along said West line to the Northwest corner of said Lot 103;

Thence East 1980.00 feet along Lot lines to the center line of Hemlock Avenue;

Thence North 330.00 feet along said center line to the Westerly prolongation of the North line of Lot 6, C. W. Roger Subdivision, as per map recorded in Book 11 of Maps, page 32, records of said County;

Thence East 1366.36 feet along said prolongation and North line and its prolongation to the center line of Beech Avenue;

Thence North along said center line of Beech Avenue to the center line of Arrow Route;

Thence East along said center line of Arrow Route to the East line of Almeria Avenue, now vacated, said point being also coincident with the city limits line of Fontana, as said city limits line existed June 6, 1995;

Thence South along said East line of Almeria Avenue and said city limits line of Fontana to the South line of Lot 206, Etiwanda Vineyards Tract, as per map recorded in Book 17 of Maps, page 29, records of said County;

Thence East along said South line of Lot 206 and said city limits line of Fontana, a distance of 625.04 feet to the Southeast corner of said Lot 206;

Thence South along lot lines and their prolongation and along said city limits line of Fontana to the South line of Arrowhead Avenue, now vacated;

Thence East along said South line, being also along the North line of the Atchison, Topeka and Santa Fe Railroad right of way and said city limits line of Fontana to the Northerly prolongation of the center line of Catawba Avenue;

Thence South along said prolongation and said city limits line of Fontana to the South line of the Atchison, Topeka and Santa Fe Railroad right of way;

Thence leaving said city limits line of Fontana West along said South line to the West line of the East 8.23 acres of the North 9.67 acres of Lot 446, said Tract No. 2102, said point being on a line that is 203.00 feet East, more or less, from the center line of Cherry Avenue;

Thence South along said West line to the center line of Ceres Avenue;

Thence West along said center line to an angle point in said center line of Ceres Avenue;

Thence South along said center line of Ceres Avenue to the center line of Merrill Avenue;

Thence East along said center line to the West line of the East 5 acres of Lot 876, Semi-Tropic Land and Water Company Subdivision, as per map recorded in Book 11 of Maps, page 12, records of said County, said West line being 325.92 feet West, more or less, from the center line of Redwood Avenue;

Thence South 660.00 feet along said West line to the North line of Parcel Map No. 13017, as per map recorded in Book 167 of Parcel Maps, pages 63 and 64, records of said County;

Thence East along said North line to an angle point in the North line of Parcel 7, said Parcel Map 13017, said point being 235.00 feet West of the center line of Redwood Avenue;

Thence South 80.00 feet along the Easterly line of said Parcel 7 to an angle point therein;

Thence East 235.00 feet along the Northerly line of said Parcel 7 to the center line of Redwood Avenue;

Thence South 580.04 feet along said center line to the Northeast corner of Lot 884, said Semi-Tropic Land and Water Company Subdivision;

Thence West 170.00 feet along the North line of said Lot 884 to the West line of the East 170.00 feet of said Lot 884;

Thence South 660.00 feet along said West line to the South line of said Lot 884;

Thence West along said South line to the East line of the West 128.78 feet of the East 655.14 feet of Lot 885, said Semi-Tropic Land and Water Company Subdivision;

Thence South 325.00 feet along said East line to the North line of the South 335.00 feet of said Lot 885;

Thence West along said North line 128.78 feet to the East line of the West half of said Lot 885;

Thence South 5.00 feet, more or less, to the North line of the South half of the West 10.8 acres;

Thence West 390.64 feet;

Thence South 181.00 feet;

Thence West 150.00 feet;

Thence South 150.00 feet to the center line of Randall Avenue;

Thence East along said center line to the center line of Redwood Avenue;

Thence South 1980 feet along said center line to the North line of Lot 901, said Semi-Tropic Land and Water Company Subdivision;

Thence West along said North line to the West line of the East 5 acres of said Lot 901, being 330.00 feet West of the center line of Redwood Avenue;

Thence South along said West line to the South line of the North 396.00 feet of said Lot 901;

Thence East along said South line 330.00 feet to the center line of Redwood Avenue;

Thence South along said center line 264.00 feet to the center line of San Bernardino Avenue;

Thence West along said center line to the West line of the East 10 acres of Lot 908, said Semi-Tropic Land and Water Company Subdivision, said point being 660.00 feet from the center line of Redwood Avenue;

Thence South along the West line of the East 10 acres of Lot 908 and 909 a distance of 990.21 feet to the Northeast corner of Tract No. 3264, as per map recorded in Book 43 of Maps, page 76, records of said County;

Thence West 543.80 feet along the North line of said Tract No. 3264 to the Northeast corner of Lot 1;

Thence South 330.07 feet to the Southeast corner of Lot 4, said Tract No. 3264;

Thence West 10.00 feet along the South line of said Tract No. 3264 to the Northeast corner of Lot 1, Tract No. 3363, as per map recorded in Book 45 of Maps, page 22, records of said County;

Thence South 330.14 feet to the Southeast corner of Lot 4, said Tract No. 3363;

Thence East 531.52 feet along the South line of said Tract No. 3363 to the Southeast corner thereof, said point being also on the East line of the West half of Lot 916, said Semi-Tropic Land and Water Company Subdivision;

Thence South 330.14 feet along said East line to the South line of said Lot 916;

Thence West along said South line to the Northeast corner of Lot 5, Tract No. 2879, as per map recorded in Book 39 of Maps, page 64, records of said County, said corner being East 210.00 feet from the center line of Cherry Avenue;

Thence South 160.00 feet along the East line of said Lot 5 and its prolongation to the center line of Hunter Street;

Thence East 116.76 feet along said center line to the East line of said Tract No. 2879;

Thence South 160.00 feet along said East line to the Southeast corner of said Tract No. 2879;

Thence West 326.76 feet along the South line of said Tract No. 2879 and its prolongation to the center line of Cherry Avenue, said point being also on the city limits line of Fontana, as said line existed June 6, 1995;

Thence North along said center line and said city limits line of Fontana to the South line of Lot 1005, said Semi-Tropic Land and Water Company Subdivision;

Thence West along the South line of said Lot 1005 and said city limits line of Fontana to the center line of Almond Avenue;

Thence South along said center line of Almond Avenue and said city limits line of FONTANA, 660 feet to the Southeast corner of Lot 1011, said Semi-Tropic Land and Water Company Subdivision;

Thence West along the South line of said Lot 1011 and said city limits line of Fontana to the center line of Banana Avenue, said point being also the Southeast corner of Lot 1010, said Semi-Tropic Land and Water Company Subdivision;

Thence leaving said city limits line of Fontana West along the South line of said Lot 1010 to the center line of Calabash Avenue;

Thence South along said center line of Calabash Avenue, 660 feet to the Northwest corner of Lot 1018, said Semi-Tropic Land and Water Company Subdivision;

Thence East along the North line of said Lot 1018 to the center line of Banana Avenue, said point being also in the city limits line of Fontana, as said city limits line existed June 6, 1995;

Thence South along said center line of Banana Avenue and said city limits line of Fontana to the center line of Valley Boulevard;

Thence leaving said city limits line of Fontana South along said center line of Banana Avenue, 660 feet to the Northwest corner of Lot 1027, said Semi-Tropic Land and Water Company Subdivision;

Thence East along the North line of said Lot 1027 to the center line of Almond Avenue, said point being also in the city limits line of Fontana, as said city limits line existed June 6, 1995;

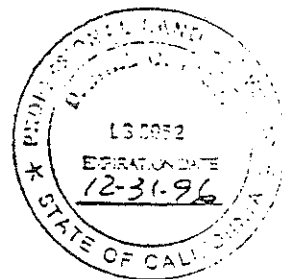
Thence South along said center line of Almond Avenue and said city limits line of Fontana to the South right of way line of Interstate 10;

Thence leaving said city limits line of Fontana West along said south right of way line of Interstate 10 to the center line of Etiwanda Avenue, being the Point of Beginning.

NOTE: Areas and distances are computed to the center lines of adjoining streets for Tract No. 2102 and the Semi-Tropic Land and Water Company Subdivision.

Said project contains ~~28~~35 acres, more or less.

KEN A. MILLER
COUNTY SURVEYOR
COUNTY OF SAN BERNARDINO
By: Donald C. Mayo Deputy
L. S. No. 5752
Date 6/6/95



COUNTY SURVEYOR'S OFFICE

June 6, 1995

EXHIBIT "C"
San Sevaine Redevelopment Project
PROPOSED PUBLIC IMPROVEMENTS AND FACILITIES PROJECTS

I. TRAFFIC AND CIRCULATION IMPROVEMENTS

Add Turn Lanes at:

- Valley Boulevard (I-10 to Banana Avenue)
- San Bernardino Avenue (Cherry Avenue to Calabash Avenue)
- Cherry Avenue (San Bernardino Avenue)
- Cherry Avenue (Arrow Route)
- Cherry Avenue (Foothill Avenue)

Traffic Signal Installation at:

- Arrow Route at Beech Avenue
- Etiwanda Avenue at Inland Empire Boulevard
- Cherry Avenue at Merrill Avenue
- Cherry Avenue at Randall Avenue
- Cherry Avenue at I-10 WB Ramp
- Cherry Avenue at I-10 EB Ramp
- Cherry Avenue at Whittram Avenue
- I-15 at Baseline Avenue
- I-15 NB at Fourth Street
- I-15 SB at Fourth Street

Street Construction, Rehabilitation and Widenings

- Cherry Avenue (I-10 to Whittram Avenue)
- Whittram Avenue (Live Oak Avenue to Etiwanda Avenue)
- Etiwanda Avenue (I-10 to Whittram Avenue)
- Beech Avenue (Whittram Avenue to Arrow Route)
- Calabash Avenue (Foothill Boulevard to Kaiser Steel Plant)
- Citrus Avenue

Intersection Improvements and Realignment

- Etiwanda Avenue at Inland Empire Boulevard
- Cherry Avenue at I-10 Bridge & SP Co. Railroad
- Cherry Avenue at Slover Avenue
- Cherry Avenue at Valley Boulevard
- Cherry Avenue at Baseline Avenue
- Citrus Avenue at Baseline Avenue
- Citrus Avenue at I-10 WB
- Etiwanda Avenue at Arrow Route
- Etiwanda Avenue at Foothill Boulevard
- Etiwanda Avenue at Slover Avenue
- I-15 NB at Foothill Boulevard
- Sierra Avenue at I-10 EB

Intersection Improvements of Arrow Route

- Beech Avenue
- Lime Avenue

Park and Ride Facility

II. FLOOD CONTROL IMPROVEMENTS

Regional Facilities

- Etiwanda Avenue/San Sevaine Channel (I-10 to West Fontana Channel)
- West Fontana Channel (Catawba Avenue to San Sevaine Channel)
- I-10 Channel (Almond Avenue to San Sevaine Channel)
- Hickory Basin Improvement

Master Storm Drain Plan Facilities

- Line SS - 2
- Line SS - 2B
- Line SS - 2C
- Line SS - 2D
- Line M - 7
- Line M - 7A
- Line M - 7B
- Line T - 2
- Line T - 6
- Line T - 7

Master Storm Drain Plan Facilities in Arrow Route

- Line T - 2 (Partial)
- Line T - 6 (Partial)
- Line T - 7 (Partial)

III. WATER SYSTEM IMPROVEMENTS

- Valley Boulevard (Cherry Avenue to Etiwanda Avenue)

IV. SEWER SYSTEM IMPROVEMENTS

- Mulberry Avenue (Fontana Relief Sewer to I-10)
- Mulberry Avenue (I-10 to San Bernardino Avenue)
- San Bernardino Avenue (Mulberry Avenue to Cherry Avenue)
- San Bernardino Avenue (Mulberry Avenue to Kaiser Railroad Spur)
- Kaiser Railroad Spur (San Bernardino Avenue to Whittram Avenue)
- Whittram Avenue (Kaiser Railroad Spur to Mulberry Avenue)
- Whittram Avenue (Mulberry Avenue to Calabash Avenue)
- Cherry Avenue (San Bernardino Avenue to Whittram Avenue)
- Cherry Avenue (Whittram Avenue to Arrow Route)
- Valley Boulevard (Banana Avenue to Mulberry Avenue)
- Whittram Avenue (Calabash Avenue Line)

V. CURBS, GUTTERS AND SIDEWALKS

VI. STREET LIGHTS

Note: This listing of proposed improvements and facilities is set forth for planning purposes, and shall not be deemed as a limitation on the Agency's authority to implement the Redevelopment Plan.